

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

RAPID FUNDING GROUP, INC.,

No. CV 07-1348-PK

Plaintiff,

OPINION AND ORDER

v.

KEYBANK NATIONAL ASSOCIATION,

Defendant.

MOSMAN, J.

On February 24, 2009, Magistrate Judge Papak issued an Opinion and Order (#133) in the above-captioned case DENYING defendant's Motion to Compel (#96), and GRANTING IN PART AND DENYING IN PART plaintiff's Motion to Determine the Sufficiency of KeyBank's Discovery Responses (#102). Defendant objected to the Opinion and Order (#135). Plaintiff filed a Response (#150) to the objection, and a Motion to Strike the French Declaration (#151).

DISCUSSION

Parties may timely file objections to a magistrate's order for non-dispositive, pretrial matters. Fed. R. Civ. P. 72(a). On review of the magistrate's order, the district court must "modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a); *see also* 28 U.S.C. § 636(b)(1)(A). There is clear error when the court is "left with

the definite and firm conviction that a mistake has been committed." *Easley v. Cromartie*, 532 U.S. 234, 242 (2001) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)).

This standard of review reflects the broad discretion accorded to magistrate judges on pretrial matters. *See, e.g., Osband v. Woodford*, 290 F.3d 1036, 1041 (9th Cir. 2002) (stating that questions of law are reviewed *de novo*, while pretrial motions—such as discovery matters—are evaluated under the clearly erroneous standard of review) (citations omitted).

Upon review, I find Judge Papak's order neither clearly erroneous nor contrary to law. I therefore decline to modify or set aside the Opinion and Order (#133). As such, the Motion to Strike (#151) is DENIED AS MOOT.

IT IS SO ORDERED.

Dated this 25 day of May, 2009.

/s/ Michael W Mosman
MICHAEL W. MOSMAN
United States District Court